

**RICHARD CARDINALE**  
ATTORNEY AT LAW  
26 COURT STREET, SUITE 1815  
BROOKLYN, NEW YORK 11242  
(718) 624-9391

Facsimile: (718) 624-4748

E-mail: richcardinale@gmail.com

November 18, 2014

The Honorable James Orenstein  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: *Andrews v. City of New York, et al.*, 14 CV 4845 (JBW) (JO)

Your Honor:

I represent the plaintiff in this lawsuit alleging, *inter alia*, false arrest and unreasonable force. I write to inform the Court that defense counsel has failed to comply with Your Honor's second order directing her to disclose the "names, shield numbers, and proper service addresses of all individual officers involved in, or present at the scene of, the arrest at issue in this litigation."

In a letter dated November 17, 2014, annexed as Exhibit 1, defense counsel has disclosed the names of four police officers in addition to Officer Jonathan Martinez who was named as a defendant when this case was filed, and Sergeant Taejin Lim who signed off on the arrest of plaintiff. However, defense counsel, falsely claiming that an open CCRB investigation has prevented her from contacting any police officers or obtaining access to the CCRB file, states that she cannot tell me whether the four additional officers are "subjects or witnesses" and can only represent that the officers "may have knowledge of the incident." This is not what Your Honor ordered defense counsel to disclose and thus defense counsel has once again failed to provide a definitive list of all individual officers involved in, or present at the scene of, the arrest of plaintiff.

Because of defense counsel's failure to make the requisite disclosure, I cannot amend the complaint for the purpose of adding additional parties by the November 24, 2014 deadline. Indeed, I cannot in good faith add the four additional police officers as defendants and allege that they falsely arrested and used excessive force upon my client when all I know about them is that they "may have knowledge of the incident."

Accordingly, I request that Your Honor proceed with the conference scheduled for November 24, 2014, at 4:00 p.m., during which an NYPD official is required to appear in Court and explain why Your Honor's orders are essentially being ignored. *See James v. City of New York*, No. 97 Civ. 9159, 1998 U.S. Dist. LEXIS 15168, at \* 6 (S.D.N.Y. Sept. 29, 1998) ("[T]he record in this case demonstrates that the problem that this Court confronted in this case,

which is representative of the problem in numerous other cases involving the Police and Corrections Departments, has its roots in an attitude prevalent in those departments that obtaining information responsive to civil discovery demands is of the lowest priority, and court orders relating to such matters may be treated with contempt.”).

Respectfully,

/s/

Richard Cardinale

Copy: Deborah Mbabazi